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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/717,915	11/21/2000	Seymour A. Rapaport	STEC-01000-us4	5124

32605 7590 07/28/2006

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EXAMINER

PHAN, JOSEPH T

ART UNIT PAPER NUMBER

2614

DATE MAILED: 07/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/717,915

Applicant(s)

RAPAPORT ET AL.

Examiner

Joseph T. Phan

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 March 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 43-56,59-62,64-77,79,81-113 and 115-174 is/are pending in the application.
- 4a) Of the above claim(s) 43-155 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 174 is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☒ Claim(s) 156-173 is/are objected to.
- 8) ☒ Claim(s) 43-56,59-62,64-77,79,81-113 and 115-174 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Election/Restrictions***

1. This application is in condition for allowance except for the presence of claims 43-56, 59-62, 64-77, 79, 81-113, and 115-174 directed to inventions non-elected with traverse in the reply filed on 03/07/2003. Applicant is given TWO MONTHS from the date of this letter to cancel the noted claims or take other appropriate action (37 CFR 1.144). Failure to take action during this period will be treated as authorization to cancel the noted claims by Examiner's Amendment and pass the case to issue. Extensions of time under 37 CFR 1.136(a) will not be permitted since this application will be passed to issue.

The prosecution of this case is closed except for consideration of the matter below.

2. Restriction to one of the following inventions is required under 35 U.S.C. 121:
- I. Claims 43, 46-62, 64-66, 73-94, 95-98, and 144-152 drawn to Information storage and accessibility, classified in class 711, subclass 100
  - II. Claims 44-45 and 95-98 drawn to creating and forming Information, classified in class 379, subclass 88.22.
  - III. Claims 67-70, 99-113, 115-126, 133-140, and 153, drawn to notifying based on timing indicators and urgency classified in class 379, subclass 88.12.
  - IV. Claims 71-94 and 128-132 drawn to identifying non-compliant messages based on predefined rules, classified in class 379, subclass 88.08.

- V. Claims 141-143, drawn to presenting a message, classified in class 379, subclass 88.14.
- VI. Claims 156-174, drawn to analyzing alert categories within messaging system, classified in class 379, subclass 47.

The inventions are distinct, each from the other because of the following reasons:

Inventions I-VI are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct if they do not overlap in scope and are not obvious variants, and if it is shown that at least one subcombination is separately usable. In the instant case, subcombination I has separate utility such as Information storage and accessibility.

Invention II has separate utility such as creating and forming Information.

Invention III has separate utility such as notifying based on timing indicators and urgency. Invention IV has separate utility such as identifying non-compliant messages based on predefined rules.

Invention V has separate utility such as presenting a message.

Invention VI has separate utility such as analyzing and categorizing alerts within a messaging system. See MPEP § 806.05(d).

Invention I requires storing and accessing information but does not require creating information, notifying, identifying, presenting a message, or analyzing alert categories as in inventions II-VI.

Invention II requires creating and forming information but does not require

storing, notifying, identifying, presenting a message, or analyzing alert categories as in inventions I, III, IV, V, and VI.

Invention III requires notifying based on timing indicators and/or urgency but does not require storing, creating and forming information, identifying, presenting a message, or analyzing alert categories as in inventions I, II, IV, V, and VI.

Invention IV requires identifying non-compliant messages but does not require storing, creating information, notifying, presenting a message, or analyzing alert categories as in inventions I-III, V, and VI.

Invention V requires presenting a message but does not require storing, creating and forming information, notifying, identifying, or analyzing alert categories as in inventions I-III, IV, and VI.

Invention VI requires analyzing and categorizing alerts within a messaging system but does not require storing, creating and forming information, identifying non-compliant messages based on timing indicators, nor presenting a message as in inventions I, II, III, IV, and V.

Because these inventions are independent or distinct for the reasons given above and the inventions require a different field of search (see MPEP § 808.02), restriction for examination purposes as indicated is proper.

3. During a telephone conversation with Gideon Gimlan on 07/17/2006 a provisional election was made with traverse to prosecute the invention of Group VI, claims 156-174.

Affirmation of this election must be made by applicant in replying to this Office action.

Claims 43-62, 64-77, 78-79, 81-113, 115-155 withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

***Allowable Subject Matter***

4. Claims 156-173 would be allowable if rewritten to overcome the objection below.

Claim 174 allowed.

5. The following is a statement of reasons for the indication of allowable subject matter:

Regarding claims 156 and 168, the prior art of record, alone or in combination, does not disclose, among other features, the detailed interaction between an automated system, medical service provider, and a patient as recited in the claims. For example, testing the messaging transactions(0.1-0.8) of the medical system and responsively generating corresponding alerts for retrieval by alertable parties, wherein the alerts are designated as belonging to at least one category in a set of predefined categories(a.1-a.11) and further does not disclose collecting generated alerts that have not been deleted and determining the respective categories and presenting to a provider information indicating the category of the collected alerts.

Regarding claim 174, the prior art of record, alone or in combination, does not disclose, the detailed characterization of operations within a messaging system including operations (0.1)-(0.10) as recited, furthermore the prior art of record, does not teach automatically finding undeleted alert flags and automatically forwarding an alert

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signal if an assigned deadline of the undeleted flags has passed and automatically determined that a provider has not yet reviewed for-provider information.

6. This application is in condition for allowance except for the following formal matters:

Claims 156 and 168 objected to because of the following informalities: Claims 156 and 168 line 18 recites "the a corresponding predefined threshold " which lacks antecedent basis and is unclear. Deletion of the term "the" is needed to avoid antecedent issues.

Appropriate correction is required.

7. Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

### ***Conclusion***

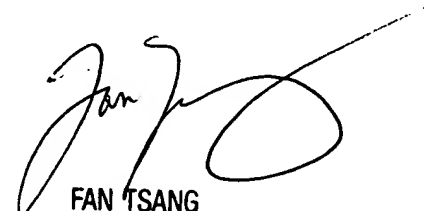
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph T. Phan whose telephone number is (571) 272-7544. The examiner can normally be reached on Mon-Fri 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JTP  
July 18, 2006

*JTP*

  
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